

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FRANCIS SCHAEFFER COX,

Plaintiff,

v.

BENBELLA BOOKS, INC., at al

Defendants.

Case No: 3:18-cv-3367-B

**PLAINTIFF’S RESPONSE TO COURT’S ORDER TO SHOW CAUSE OF JANUARY
11, 2019 AND REQUEST FOR LEAVE TO PROCEED WITHOUT LOCAL COUNSEL**

Plaintiff Francis Schaeffer Cox (“Cox”) hereby submits the following in response to this Court’s Order to Show Cause of January 11, 2019 ordering Plaintiff to show cause why local counsel has not yet appeared on its behalf. ECF No. 7. Based on the following, Plaintiff respectfully requests that this Court waive the local counsel requirement pursuant to LR 83.10(a), as such a waiver will prejudice no party or this Court.

Plaintiff Cox has retained Mr. Larry Klayman (“Mr. Klayman”) to represent him on a *pro bono* basis in this case. Plaintiff Cox is currently incarcerated at FCI Terre Haute in Indiana, and as such, can not afford to retain local counsel to represent him in this case, since it would definitely come at considerable financial cost. This case can only proceed with Mr. Klayman’s *pro bono* representation.

Mr. Klayman has been licensed to practice in the Northern District of Texas since August 9, 2002, Exhibit 1, and has filed and litigated numerous cases in this judicial district. Mr. Klayman litigated these cases on his own, without local counsel, so he is familiar with the local rules of the Court, and has attended all required in person hearings set by the Court. Mr.

Klayman's public interest advocacy practice operates nationwide, as he files cases on behalf of clients from coast to coast and just about everywhere in-between. Mr. Klayman is willing to, and frequently does travel to courts all around the country to attend hearings, make oral arguments, and to satisfy any requirements and duties imposed by the local courts.

In this regard, Mr. Klayman will personally handle any duties that would traditionally be assigned to "local counsel" under LR 83.11(b), including "present[ing] and argu[ing] a party's position at any hearing called by the presiding judge." Thus, local counsel would not be required for this matter to proceed. Counsel for Defendant Benbella Books, Michael McCabe, has indicated that he does not object to the relief sought herein.

WHEREFORE Plaintiff respectfully requests that this Court waive the local counsel requirement, as Mr. Klayman, as has been the case in prior cases, can handle all matters, particularly since Plaintiff, who has been and is allegedly wrongfully incarcerated in the Federal Detention Institution in Terre Haute, Indiana for the last seven years, is not able to pay legal fees and costs for a local counsel.

Dated: January 16, 2019

Respectfully submitted,

/s/ Larry Klayman
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties on January 16, 2019

/s/ Larry Klayman